HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Criminal Miscellaneous Bail Application No. 6772/2026
CNR: RJHC010515702026 | URN: CRLMB / 14946U / 2026

Nitesh Kumar Anjana S/o Rajkumar Anjana, Aged About 35 Years, R/o Brahmino Ka Bas Achalpura Chhoti Sadari Police Station Chhoti Sadari District Pratapgarh (At Present Lodged In Dist. Jail Barmer)

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

For Petitioner(s)	:	Mr. Sanjay Bishnoi
For Respondent(s)	:	Mr. Hanuman Prajapati, PP

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

07/08/2026

Heard learned counsel for the parties and perused the material available on record.

The petitioner has been arrested in connection with FIR No. 76/2017 registered at Police Station Sadar Barmer, District Barmer, for the offences punishable under Sections 8/15 and 29 of the NDPS Act. The present bail application has been preferred under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

Learned counsel for the petitioner submits that the alleged recovery of 75 kg of poppy straw was effected from co-accused Dinesh and Shyam Lal. It is submitted that the challan against the petitioner was filed under Section 299 Cr.P.C.; however, he had no knowledge of the said proceedings. It is further submitted that

pursuant to an arrest warrant, the petitioner was arrested on 05.05.2026 and thereafter the charge-sheet has been filed against him. Learned counsel further submits that the co-accused, namely Dinesh and Shyam Lal, from whom the recovery was effected, have already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 15.02.2018 passed in S.B. CRLMB Nos. 9675/2017 and 9456/2017. It is contended that no recovery has been effected from the petitioner and he has been implicated only on the basis of the statements of the co-accused for the offence under Section 29 of the NDPS Act. It is further submitted that the petitioner has remained in judicial custody since 05.05.2026. So far as the criminal antecedents are concerned, only one other criminal case is registered against the petitioner, wherein the co-accused has already been acquitted by the learned trial Court vide judgment dated 04.12.2024 and no recovery was effected from the petitioner in that case as well. It is, therefore, submitted that the trial is likely to take considerable time to conclude.

Per contra, learned Public Prosecutor has vehemently opposed the bail application.

This Court has considered the submissions advanced by learned counsel for the parties and perused the material available on record. It is not disputed that the alleged recovery of 75 kg of poppy straw was effected from co-accused Dinesh and Shyam Lal, who have already been enlarged on bail by a co-ordinate Bench of this Court. It is also not disputed that no recovery has been effected from the petitioner and that he has been implicated under

Section 29 of the NDPS Act primarily on the basis of the statements of the co-accused. The petitioner has remained in judicial custody since 05.05.2026. It is also not disputed that only one other criminal case is registered against the petitioner, wherein the co-accused has already been acquitted and no recovery was effected from the petitioner.

Having regard to the material presently available on record, the absence of recovery from the conscious possession of the petitioner, the nature of the evidence collected during investigation, and the fact that a co-accused standing on similar footing has already been enlarged on bail, this Court is of the prima facie opinion that reasonable grounds exist for believing that the petitioner may not be guilty of the alleged offence. There is also nothing on record to indicate that, if released on bail, he is likely to commit any offence while on bail. Consequently, for the limited purpose of deciding the present application, the rigours contained in Section 37 of the NDPS Act stand satisfied.

Hence, keeping in view of the fact that conclusion of the trial of the case is likely to take time and the prosecution has not shown any apprehension of the petitioner fleeing away from justice, in case he is enlarged on bail and without expressing any opinion on the merits of the case, this Court deems it just and proper to grant bail to the petitioner under Section 483 of BNSS.

Accordingly, the present bail application filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is **allowed**. It is directed that the petitioner, **Nitesh Kumar Anjana S/o**

Rajkumar Anjana, shall be released on bail in connection with the aforesaid FIR, if not wanted in any other case, provided he furnishes a personal bond in the sum of Rs.1,00,000/- along with two sound and solvent sureties of Rs.50,000/- each to the satisfaction of the learned trial Court, for his appearance before the said Court on each and every date of hearing and whenever called upon to do so till the conclusion of the trial.

It is, however, made clear that the observations made herein are only for the purpose of deciding the present bail application and shall not be construed as an expression of opinion on the merits of the case. The learned trial Court shall decide the matter independently, uninfluenced by any observations contained in this order.

(BALJINDER SINGH SANDHU),J

35/Hanuman